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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,078	04/14/2000	Junichi Yoshio	041465-5077	9335

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EXAMINER

FAULK, DEVONA E

ART UNIT PAPER NUMBER

2644

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/550,078

Applicant(s)

YOSHIO ET AL.

Examiner

Devona E. Faulk

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2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/550,078.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 2-4, and 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1,5,7,11 and 13** are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo et al. (U.S. Patent 6,618,396).

Regarding **claim 1**, Kondo discloses a data transmitting device comprising a system encoder (103) for dividing each of video elementary stream and audio elementary stream into packs (column 17, lines 3-5), which reads on “a dividing process of dividing the audio information for each information amount, which is set in advance so as to transmit the transmission information through the data bus, to thereby generated divided-audio information”; a data transmitter (107) for outputting these data in packet units on to an network N (column 17, line 15) which reads on “an outputting process of generating the transmission information by

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using a plurality of the generated information units and outputting the generated transmission information onto said data bus”; a packet generating device (105) for adding headers for transmission (221,223...) to the respective packets (211,212....) to generate packets (222,224...) (column 17, lines 13-15) which reads on “a generating process of adding the extracted output control information onto the generated divided-audio information to thereby generate an information unit for transmitting the audio information through said data bus”. Kondo also discloses a data-receiving device AV data decoder (3402) that decodes data from the header analyzer which reads on “an extracting process of extracting the output control information from each of the partial-audio information”. The method is inherent. Therefore Kondo anticipates all elements of claim 1.

**Claim 5** claims the information converting method of claim 1, wherein the predetermined transmission standard is an IEEE (Institute of Electrical and Electronic Engineers) 1394 standard and the data bus comprises a serial data bus through which the transmission information is transmitted in accordance with the IEEE 1394 standard, and said information unit comprises one portion of an isochronous packet based on the IEEE 1394 standard. As stated above apropos of claim 1, Kondo anticipates all elements of claim 1. Kondo further teaches of the IEEE 1394 I/F as the transmission method. Isochronous transfer is a communication method for used by data transmission, which must be made in real time as is typical of audio/video data (column 1, lines 30-32). It is inherent that an information unit would comprise some portion of an isochronous packet. Therefore, Kondo anticipates all elements of claim 5.

Regarding **claim 7**, Kondo discloses a data transmitting device comprising a system encoder (103) for dividing each of video elementary stream and audio elementary stream into

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packs (column 17, lines 3-5), which reads on “a dividing process of dividing the audio information for each information amount, which is set in advance so as to transmit the transmission information through the data bus, to thereby generated divided-audio information”; a data transmitter (107) for outputting these data in packet units on to an network N (column 17, line 15) which reads on “an outputting process of generating the transmission information by using a plurality of the generated information units and outputting the generated transmission information onto said data bus”; a packet generating device (105) for adding headers for transmission (221, 223...) to the respective packets (211, 212...) to generate packets (222, 224...) (column 17, lines 13-15) which reads on “a generating process of adding the extracted output control information onto the generated divided-audio information to thereby generate an information unit for transmitting the audio information through said data bus”. Kondo also discloses a data-receiving device AV data decoder (3402) that decodes data from the header analyzer, which reads on “an extracting process of extracting the output control information from each of the partial-audio information”. Therefore Kondo anticipates all elements of claim 7.

**Claim 11** claims the information converting method of claim 7, wherein the predetermined transmission standard is an IEEE (Institute of Electrical and Electronic Engineers) 1394 standard and the data bus comprises a serial data bus through which the transmission information is transmitted in accordance with the IEEE 1394 standard, and said information unit comprises one portion of an isochronous packet based on the IEEE 1394 standard. As stated above apropos of claim 7, Kondo anticipates all elements of that claim. Kondo further teaches of the IEEE 1394 I/F as the transmission method. Isochronous transfer is a communication method for used by data transmission which must be made in real time as is typical of audio/video data

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(column 1, lines 30-32). It is inherent that an information unit would comprise some portion of an isochronous packet. Therefore, Kondo anticipates all elements of claim 11.

Regarding **claim 13**, Kondo discloses a data transmitting device comprising a system encoder (103) for dividing each of video elementary stream and audio elementary stream into packs (column 17, lines 3-5), which reads on “a dividing process of dividing the audio information for each information amount, which is set in advance so as to transmit the transmission information through the data bus, to thereby generated divided-audio information”; a data transmitter (107) for outputting these data in packet units on to an network N (column 17, line 15) which reads on “an outputting process of generating the transmission information by using a plurality of the generated information units and outputting the generated transmission information onto said data bus”; a packet generating device (105) for adding headers for transmission (221, 223...) to the respective packets (211, 212...) to generate packets (222, 224...) (column 17, lines 13-15) which reads on “a generating process of adding the extracted output control information onto the generated divided-audio information to thereby generate an information unit for transmitting the audio information through said data bus”. The data transmitting device reads on “an information converting apparatus for converting audio information, which comprises a plurality of partial-audio information based on a predetermined record standard in each of which output control information to control a state of the audio information at a time of outputting the audio information to an external portion is included, into transmission information to be transmitted through a data bus based on a predetermined transmission standard”. The predetermined transmission standard is IEE 1394 I/F (column 5, line 13). Kondo also discloses a data-receiving device AV data decoder (3402) that decodes

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data from the header analyzer which reads on “an extracting process of extracting the output control information from each of the partial-audio information”. Therefore Kondo anticipates all elements of claim 13.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 6 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (U.S. Patent 6,618, 396).

**Claim 6** claims the information converting method of claim 1, wherein the predetermined record standard is a DVD audio standard, the partial-audio information comprises an audio pack based on the DVD audio standard and the output control information comprises information in a private header based on the DVD audio standard. As stated above apropos of claim 1, Kondo meets all elements of claim 1. Therefore, Kondo meets all elements of claim 6 with the exception of the claim matter. Kondo teaches that of using the DVD-video standard (column 19, line61). Since the transmitting device is capable of audio processing as well, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the DVD-audio standard for the benefit of increasing the capability and functionality of the device.

**Claim 12** claims the information converting method of claim 1, wherein the predetermined record standard is a DVD audio standard, the partial-audio information comprises

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an audio pack based on the DVD audio standard and the output control information comprises information in a private header based on the DVD audio standard. As stated above apropos of claim 7, Kondo meets all elements of that claim. Therefore, Kondo meets all elements of claim 12 with the exception of the claimed matter. Kondo teaches that of using the DVD-video standard (column 19, line61). Since the transmitting device is capable of audio processing as well, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the DVD-audio standard for the benefit of increasing the capability and functionality of the device.

### *Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to information converting methods and devices in general:

U.S. Patent No. 5,933,430 to Osakabe et al.

U.S. Patent No. 6,370,322 to Horiguchi et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

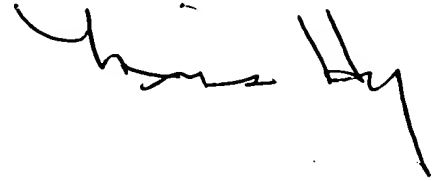
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

DF

A handwritten signature in black ink, appearing to read 'Minsun Oh Harvey', with a stylized, elongated final stroke.

**MINSUN OH HARVEY  
PRIMARY EXAMINER**